

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Pausch, Mark H.

Serial No. : 08/816,011

Filed : JUL 22 1998  
JUL 22 1998  
PATENT & TRADEMARK OFFICE  
Filed : March 11, 1997

For : Potassium Channels, Nucleotide Sequences Encoding  
Them, and Methods of Using Same

Examiner : Pak, Michael

Group Art Unit : 1646

July 20, 1998

Hon. Assistant Commissioner for Patents  
Washington, D.C. 20231

**RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS  
FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE  
SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Sir:

This is in response to the Office Action mailed September 3, 1997 setting forth a restriction requirement and also a requirement to comply with the requirements of 37 C.F.R. 1.821 through 1.825, as set forth in a Notice to Comply With Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures, which accompanied such Office Action (photocopy attached). The response to the Restriction Requirement is set forth in a second paper submitted herewith and entitled "Response to Restriction Requirement."

As evidenced by the attached photocopy of the return postcard sent in with the filing of the subject patent application, and stamped with the USPTO official stamp of receipt dated 3/11/97, the Sequence Listing (both a computer readable form and paper copy form) along with

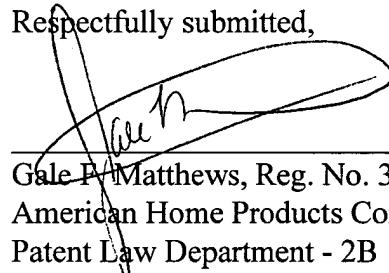
the Rule 8.21(f) Statement (copy also attached) has already been submitted to and received by the USPTO with the filing of this patent application on March 11, 1997.

However, in response to the Office Action, Paragraph 2, enclosed please find a Second Statement Under 37 C.F.R. 1.821(f), a second copy of a computer readable form of the Sequence Listing as required by 37 C.F.R. 1.821(e), and a second copy of the Sequence Listing in paper copy form as required by 37 C.F.R. 1.821(c).

If necessary, please amend the specification as follows:

After page 70 and before the Claims pages, insert the paper copy of the Sequence Listing and repaginate the patent specification as necessary.

Respectfully submitted,

  
Gale P. Matthews, Reg. No. 32,269  
American Home Products Corporation  
Patent Law Department - 2B  
One Campus Drive  
Parsippany, NJ 07054  
973-683-2134  
Attorney for Applicants

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CERTIFICATION UNDER 37 C.F.R. 1.8(a)

I hereby certify that this paper and the documents referred to as enclosed therein are being deposited with the United States Postal Service on the date written below with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231

7/20/98  
Date

Christine White  
Christine White

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DAC \$  
BOX SEE  
ACY-32,421-C2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Price, L., Pausch, M.**

Serial No.: **Not yet assigned** Group No.: **Anticipated: 1800**

Filed: **March 11, 1997** Examiner: **Not yet assigned**

For: **POTASSIUM CHANNELS, NUCLEOTIDE SEQUENCES ENCODING  
THEM, AND METHODS OF USING SAME**

Assistant Commissioner of Patents  
Washington, D.C. 20231

July 20, 1998

*RECEIVED*

TRANSMITTAL LETTER

Sir:

*JUL 28 1998*  
Transmitted herewith is/NS

**PATENTS**

- Petition for Revival of an Application for Patent Abandoned Unintentionally under CFR 1.37(b), 37 CFR 1.155(c) or 37 CFR 1.316(c)
- Response to Restriction Requirement
- Response to Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures
- Second Statement Under 37 C.F.R. 1.821(f)
- Copy of Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures
- Copy of officially stamped return postcard
- Copy of Statement Under 37 C.F.R. 1.821(f) as originally filed on March 11, 1997
- Sequence Listing diskette
- Paper copy of Sequence Listing

Respectfully submitted,

*Gale F. Matthews*  
Gale F. Matthews  
Attorney for Applicants  
Registration No. 32,269

CERTIFICATION UNDER 37 C.F.R. 1.8(a)

I hereby certify that this paper and the documents referred to as enclosed therein are being deposited with the United States Postal Service on the date written below with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231

7/20/98

Date

*Christine White*  
Christine White



RE  
APPLICANT'S CO.  
ATTACH NO. 3

Application No.: 08/816,011

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.
- 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked-up "Raw Sequence Listing."
- 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- 7. Other:

**Applicant Must Provide:**

- An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

For PatentIn software help, call (703) 308-6856

**PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR RESPONSE**

Case No. 3421-C2

Attorney: Gale F. Mathews

Applicants: Price, L., Pausch, M. Serial No.: Not yet assigned  
Filed: March 11, 1997 For: POTASSIUM CHANNELS, NUCLEOTIDE

SEQUENCES ENCODING THEM, AND METHODS OF USING SAME  
The following has been received in the U.S. Patent Office on the date stamped  
hereon:

Patent Application (78 pages)  
 Oath/Declaration  
 Power of Attorney  
 Transmittal Letter  
 Drawings 14 Sheets  
     Informal  
     Formal  
 Sequence Listing Disk  
 Rule 821 (f) Statement  
 Assignment  
 Assignment Record Form  
 Disc. Statement  
 Form PTO-1449  
     With References

65705 U.S. PTO  
08816011  
03/11/97

Amendment/Response  
 Affidavit/Declaration  
 Extension of Time Request  
 Notice of Appeal  
 Brief on Appeal  
 Reply Brief on Appeal  
 Petition Under 37 C.F.R.

Issue Fee Transmittal Form  
 Terminal Disclaimer  
 Express Mail Certificate  
 No. TB663627987US

Other

Date Mailed: March 11, 1997

